THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 29183 OF 1997

Dated 21st February, 2007

Between:

Vemula Laxmi Rajam and others.

… Petitioners

And

Mandal Revenue Officer, Sircilla,
Sircilla Revenue Mandal, Karimnagar
District.

…Respondent.

ORAL ORDER:

The petitioners herein are the residents of Sircilla town in Karimnagar District and filed this writ petition questioning the notices issued under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905.

At the stage of admission, this court has granted interim orders on 5.11.1997 directing the respondent not to demolish the structures of the petitioners.

It is the case of the petitioners that they are the owners and possessors of their residential houses and they are not in occupation of any road margin, and, as such, issuance of notice under Section 7 of the A.P. Land Encroachment Act, 1905 proposing to evict them from their structures is illegal.

The notice under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 is only in the nature of a show-cause notice. In the notices, the respondent had given the particulars of the extents of land and area occupied by the petitioners and covered by the structures. If they are not in encroachment of the road margin and did not raise any structures on the said margin, it is always open for the petitioners to respond to the notice by filing appropriate explanation. No counter affidavit has yet been filed. As much as the notices were issued in the year 1997 and this court granted interim orders on 5.11.1997, I deem it appropriate to dispose the writ petition permitting the petitioners to file explanation to the show-cause notices, if not already filed, within a period of four weeks from the date of the receipt of a copy of this order, and, if such explanations are filed, respondents shall consider and pass

appropriate orders by conducting enquiry and affording an opportunity of being heard to the petitioners. Till the appropriate final orders are passed after conducting enquiry as directed above, no steps shall be taken for eviction/demolition of the structures of the petitioners.

Subject to above direction, the writ petition is disposed of. No costs.

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21.2.2007

R.SUBHASH REDDY, J.

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